Case: 4:21-cv-00308-RLW Doc. #: 6-6 Filed: 03/11/21 Page: 1 of 6 PageID #: 75

EXHIBIT 6

Case: 4:21-cv-00308-RLW Doc. #: 6-6 Filed: 03/11/21 Page: 2 of 6 PageID #: 76

DECLARATION OF CLINT FEEZEL

- I, Clint Feezel, hereby declare as follows:
- I have personal knowledge of the facts contained in this Declaration, and they are true to the best of my knowledge and belief. I am over 18 years old and competent to testify to the following.
 - 2. I farm land in and around Saint Elmo, Illinois.
- 3. I first purchased NutriplantTM products in or around 2016. I purchased the product from Ben Buckwalter, who was selling it on behalf of his company, Yield Nation. Mr. Buckwalter came to my farm on a sales call with some materials showing test results for the NutriplantTM products his company was selling.
- 4. I agreed to purchase a small amount of the Nutriplant™ AG foliar treatment, a spray fertilizer, and Nutriplant™ SD seed treatment, which helps seeds flow through a planter while adding some nutrients.
- The Nutriplant™ AG foliar spray arrived in a blue drum and had a Nutriplant™ label on it.
- 6. I was happy with the Nutriplant™ products, and found that they made a difference in my crops. They were also easy to use. Importantly, the Nutriplant™ AG foliar spray was easy to mix and apply.
 - 7. I continued to purchase NutriplantTM products every year after that.
- 8. In or around December 2019, Mr. Buckwalter asked me if I wanted to buy more NutriplantTM foliar spray. I purchased two 30-gallon drums of the NutriplantTM AG foliar spray to use for the 2020 crop year. Mr. Buckwalter gave me an invoice from his company, Yield Nation. That invoice had pictures of the NutriplantTM AG foliar spray that I believed I was

buying, which showed a blue drum with the Nutriplant[™] label on it. I purchased what I believed to be more of the Nutriplant[™] foliar spray because I was familiar with how it performed. A true and correct copy of the invoice for my purchase is attached as **Exhibit A**.

- I paid Yield Nation up front for the Nutriplant™ AG foliar spray. A true and correct copy of the check I provided to Yield Nation is attached as Exhibit B.
 - 10. After some delays, the foliar spray was eventually delivered in spring of 2020.
- 11. Unlike the Nutriplant[™] AG foliar spray I had received in past years and that was also represented to me on the invoice (Exhibit A), the foliar spray I received in 2020 came in a clear, white drum. I could see through the drum that the foliar spray had separated in the barrels. That was obviously different from the Nutriplant[™] foliar spray I had used in the past. I did not initially look at the barrel's label, however. I assumed that it was the same Nutriplant[™] foliar spray I had purchased in the past.
- 12. Eventually, I decided to roll one of the barrels around to see if it would mix. I could see through the barrel that even after being agitated, the product did not stay in suspension. Instead, it quickly settled out into separate layers.
- 13. Before I needed to use the foliar spray, I heard from a neighboring farmer who had purchased foliar spray from Yield Nation. That farmer had learned that the foliar spray he purchased from Yield Nation was not NutriplantTM foliar spray. He also told me he had heard the spray was clogging farmers' sprayers when they attempted to use it.
- 14. At that point, I checked the label on the barrels Yield Nation sold me. Unlike the foliar spray I had received in the past, the barrels did not have Nutriplant™ labels. Instead, the labels said Yield Nation.

Case: 4:21-cv-00308-RLW Doc. #: 6-6 Filed: 03/11/21 Page: 4 of 6 PageID #: 78

15. I purchased the NutriplantTM AG foliar spray because I was familiar with it, and that is what I believed I was purchasing again for the 2020 crop year based on the representations made to me. I would not have purchased two drums of a Yield Nation foliar spray that I had not tested before. I would have purchased the NutriplantTM product if given a choice between the

- 16. Based on my observation that the Yield Nation foliar spray I received in 2020 had separated out into layers, I hesitated to use it in my sprayer. I did not want to risk the product clogging my sprayer and costing me precious time. When I drained the Yield Nation foliar spray from the barrel, it had separated out so badly that I had to run water into the barrel to clear out the sediment at the bottom.
- 17. I ended up using the spray on my beans just to get rid of it. The process was much more involved than using the NutriplantTM foliar spray. I had to agitate small batches of the spray and spray it as quickly as possible to get it to spray without clogging my sprayer.
- I tried to contact Mr. Buckwalter at Yield Nation about his product, but I have not received any reply.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February _____, 2021

two.

Clifft Feezer

Chrit Leezel



SALES RECEIPT

Sales Rep: Ben Buckwalter

Phone: Email:

Sale To: Clint Feeze 1

St Elmo, I.L.



Ensure maximum crop yield with this liquid foliar nutritional supplement.





Provide essential nutrients which activate crucial enzymes that optimize metabolic pathways necessary for proper seedling growth and enhanced vigor.



For better weed control, for hardto-penetrate soils, for many farming applications.

PAYMENT METHOD

DATE OF SALE

WISC.

1-2-20 # S41486C

QTY ITEM DESCRIPTION UNIT PRICE DISCOUNT LINE TOTAL

2 30991 NUTT, plant AG \$12.04 asc \$2.20/asc \$4700

TOTAL DISCOUNT

SUBTOTAL

SALES TAX

TOTAL H 700

Please make check payable to Yield Nation

Thank you for your business!

Exhibit

A

